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. . . . The 33rd meeting of the CIA RETIREMENT BOARD convened at 2:00 p.m. on Tuesday, 12 April 1966, in room 5E62 Hq., with the following present:

Mr. Emmett D. Echols, Chairman

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Mr. Alan M. Warfield, DDS Member

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MR. ECHOLS: Shall we look at the Minutes of the last meeting? Any additions or corrections? (No response.) If not, we will accept the Minutes as presented.

25X1A9a With your permission, I'd like to juggle the agenda a little bit, for several reasons. One is, the case of [REDACTED] is very likely to be a very long case because I have lots of supplementary evidence which is very pertinent to the case to present, which I didn't think was worth reproducing and distributing. Therefore I thought we might

25X1A9a dispose of the routine cases, and go as far as we can with the [REDACTED] case and the other case, if possible.

Before doing that, however, I'd like to give a little report to the Board on an item that came up at the previous meeting. The question pertained to in what jeopardy might people find themselves if they transferred back to the Civil Service Retirement System in order to have that final qualifying year, and were to die or become disabled during that period. Well, we did a little research on it, and there is no real problem at all. SEC. 3. (g) of the Civil Service Retirement Act excepts persons separated by reason of death or disability from the one year

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requirement. The specific language of SEC. 3.(g) is: "An employee or Member must have, within the two-year period preceding any separation from service, other than a separation by reason of death or disability, completed at least one year of creditable civilian service during which he was subject to this Act before he or his survivors shall be eligible for annuity under this Act based on such separation. . ."

So, a possible hazard apparently does not exist. Any discussion on this point? (No response.)

If not, I'd like to proceed to the item 4 of the agenda, which are the cases for designation. Under tab 4 we have the summation of the various cases. The first consists of two applications for voluntary retirement, the one a [REDACTED] age 54, and one a [REDACTED] age 51. Jack Coffey has approved the request for Office of Communications, and [REDACTED] for the DD/P. The facts of the cases are presented here.

Just as a matter of curiosity, I'd like to ask this question. These people who are retiring early, are they marginal producers or are they very effective people? I'm trying to get some gauge as to how our retirement system is working.

[REDACTED] is a very special case -- I think it's unique -- in that he has had a heart attack, and he is a bit of a philosopher about this thing. To answer your question, Bill is a good engineer, and under normal conditions we would be very happy to hold him. But he is 54, he has had a heart attack, he has reviewed medical statistics on the chance of a repeat, and he claims -- and he's a bug on statistics, anyway -- he claims that he has five to eight years to live, according to the statistics, and therefore he wants to fish and hunt for these five to eight years. He says he has enough money to live on -- he has no children --

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just he and his wife, and she has worked all these years. He's going to a small town out West.

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MR. ECHOLS: Is [REDACTED] going to be a great loss to the DD/P?

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[REDACTED] Well, no -- I'm really not prepared in depth to comment, but just off the top of my head I think [REDACTED] is a more or less middle grade officer who has done reasonably well -- probably not going to be promoted, but who would do well in a 14 if he wanted to stay.

MR. ECHOLS: This might be to everyone's advantage to approve this request?

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[REDACTED] Sure.

MR. ECHOLS: Well, may I have a motion to approve these two cases?

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[REDACTED] I so move.
[REDACTED] Second.

. . . . This motion was then passed

MR. ECHOLS: Item B consists of one individual who is subject to mandatory retirement if designated as a participant, and the Career Service intends to submit a request to the Director for extension of his services until 31 August 1967. The memo from the DD/P reads as follows. (Mr. Echols then read this memorandum to the Board members.)

Any discussion on this case? (No response.) Is everybody in favor of this action?

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[REDACTED]: I certainly recommend that we approve.
. . . . This motion was seconded and passed

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MEMORANDUM FOR: CIA Retirement Board

SUBJECT: Civilian Service Requirements

1. It is recommended that the Retirement Board adopt a rule requiring an employee to have at least five years of civilian service before he becomes a participant in the CIA Retirement System.

2. At present, the CIA System, along with the Civil Service and Foreign Service Systems, have a statutory requirement that a participant have at least five years of civilian service for the payment of annuities or death or disability benefits. In the case of the Civil Service and Foreign Service, there is impending legislation which would provide certain annuity, death and disability benefits in the case of a participant with less than five years civilian service. This is in keeping with the recommendation this year of the Cabinet Committee on Federal Staff Retirement Systems. In essence, their recommendation is that the service credit of an employee with less than five years civilian service should be transferred to Social Security. Such an employee's Federal employment would be treated as if it had been performed under Social Security.

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3. If the pending legislation becomes law, participants in the Civil Service and Foreign Service Retirement Systems with less than five years of civilian service would be covered under the Social Security System in the event of their death or disability. There is no assurance that the pending legislation will be enacted. However, it would be a prudent measure to adopt a rule requiring a participant to have at least five years of civilian service before approving his participation in the CIA Retirement System. Having adopted this rule, the Board would assure against adding any potential problem cases to the CIA System's rolls. Also we would have an opportunity to follow the pending legislation and to determine in an orderly manner the desirability and practicability of the Agency obtaining similar coverage under Social Security for participants in the CIA System.

S/ [REDACTED]
Legislative Counsel

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[REDACTED] The Cabinet Committee in its report took a very strong position of trying to improve the survivorship benefits for people who have less than five years of service, because with less than five years of service there are absolutely no survivor benefits--

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MR. ECHOLS: No disability benefits--

[REDACTED] Well, no disability benefits - right. And the hope was that this could be coordinated somehow with the Social Security System so that in effect during the first five years a government employee, in terms of disability or survivorship, would have Social Security benefits. Now this was actually reported originally in the Pay Bill, and it was taken out, temporarily, but it looks like there is every indication that this is going to become law, and possibly this year.

So I was raising the point in this memo, and I'm raising it now on this case, that if this becomes law it will become law by an amendment to the Civil Service Retirement System and we wouldn't need to go get this for our System if we just held people out until they had five years' service. So I would recommend that we consider not putting a person with

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less than five years' service under our System, for these reasons.

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██████████ They will remain under Civil Service and will be protected under Civil Service during that time.

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██████████ That is right.

MR. ECHOLS: If this passes, of course, we will get our legislation amended?

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██████████ I'm not sure we would need to -- because we could continue a permanent policy of not bringing them in under five years, and then we wouldn't have to change our law every time this little item changed.

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██████████ If we did that, this would overcome the problem I raised some time back about the possibility of a man being removed from the System - resigning or separating before he had five years of Agency service, because at this point everything is refunded to him -- he has no benefits, no deferred benefits. The less than five years' Agency service could also carry with it say 10 or 15 years' Civil Service, and all we would be able to do under that would be to dump everything back in his lap, and he could do nothing, even though he had 20 years of Federal service.

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██████████ Actually this case is a combination like that, because he does have 24 years of Federal service in this case. So I'm speaking really to this problem but bringing up the broader problem which will follow on.

MR. ECHOLS: This may or may not happen, but assuming it does, do you think it advisable that we revise our Agency Regulation, or that merely by practice we handle it this way and let people know by a little publicity that we are doing this for their own best interest during this first five years.

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prepared for this specific purpose, because these in fact are the documents upon which the Commission based its decision.

I also have as another piece of paper a staff study prepared by one of my officers who I would say is the Agency expert -- the General Counsel's Office excluded, of course -- on BEC.

With that little background, I would like to get started on this case, because I think it is a critically interesting one that is going to cause us some trouble.

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[REDACTED] May I just ask, on page 2 of [REDACTED] let 25X1A9a where it says, "It is suggested that this set of circumstances would demonstrate that this employee was working under conditions of employment which included a 'demonstrable hazard to life or health in the conduct or support of covert action operations' " -- that is not a quote, is it, from the Department of Labor adjudication? - that is just [REDACTED] statement?

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MR. ECHOLS: No, this is the man's statement.

I don't know about this statement: "This case was supported by the Agency and approved by the Department of Labor..." I think that is a misstatement of fact -- I think he meant was approved by the BEC.

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[REDACTED] Well, they're in the Department of Labor.

Well, Emmett, in line with my telephone conversation, I would like to suggest a course of action on this which might be different from your view - I don't know.

It occurs to me, just as a comparison here, here we've got the Benefits and Services Division that works with every BEC case, that works with every disability case, trying to give them guidance --

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they know the requirements under both Civil Service and BEC, and they work with every case that comes up helping them to present their case in the best possible way, anticipating the very kinds of questions that will be raised.

It occurs to me that we should do no less for people who are presenting their cases to this Board -- and certainly on the face of what is in this package on [REDACTED] this does not occur.

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MR. ECHOLS: I would disagree with you, John, to this extent -- and it is not in this package, I quite agree -- but he presents a case based on several facts. One, he says: My disability or my health impairment was found to be either caused by or greatly aggravated by my assigned duties -- was held to be in performance of duty to the extent of getting BEC benefits. Right?

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[REDACTED] May I just ask -- that was one question I had -- service-connected disability -- does that mean that the person had a heart attack while he was working for this Agency or while engaged in a particular occupation or particular function which brought about this heart attack? I mean, could he have been working someplace else when he had this heart attack and would it have been service-connected in that other place?

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[REDACTED] May I try to answer that? The statute involved here provides the benefits for injuries or illness incurred while in the performance of duty. Now this means that you must establish that your actual duties precipitated and had some causal relationship between the disability suffered.

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[REDACTED] There must be a causal relationship. [REDACTED] It's not just because you're working here and get a heart attack. In fact, this is very rare that they approve a heart

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attack case. Normally the kinds of things they talk about are people getting killed in a helicopter in Southeast Asia, or hepatitis, or this kind of thing which clearly is traceable to employment. So a heart attack is a very rare thing for them to approve.

MR. ECHOLS: Well, with respect to this one point that he raises as the possible basis for establishing his service as being qualifying duty, we have in support of this the exact evidence presented to the Bureau upon which they reached their finding, with all of the supporting medical, supervisory, and other data. So this permits us to see for ourselves exactly upon what evidence presented the Bureau made their decision. I don't think after the fact - some months after the fact - that we could invite this man to re-present his argumentation to this Board and have him prove his point any more validly than he proved it at that time to the Commission.

25X1A [REDACTED] This is part of my point, though -- because let's concede for the moment that clearly established performance of duty-connected disability, but it was in connection with a month long tour of duty. That still is not five years of qualifying service. So he still has many hurdles to overcome yet before he can become eligible. So I am conceding that point for purposes of discussion. He has to present a lot better case yet.

25X1A MR. ECHOLS: I quite agree.

25X1A9a [REDACTED] This is my point, Emmett. And certainly in the [REDACTED] case there is nothing here but "I think I'm qualified", period.

Now to me, I don't think that the Agency has done its full job in helping these two people to present their case -- certainly not in comparison with what we do for them when presenting a case for BEC or

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disability to the Civil Service Commission. I don't think we should expect every employee to know what this Board is looking for in terms of what is qualifying service. I think it's putting a terrible burden on them. I think the Career Service involved has some responsibility -- I think Personnel has some responsibility.

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[REDACTED] I think it does get back to a question that has been asked here and I thought answered in the affirmative, and that is: Are we trying to keep as many people out as possible, or trying to bring in as many people as possible? Maybe this is not phrased just right--

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[REDACTED] I don't like the way you phrased it.
[REDACTED] I think when we asked this question originally I did get the feeling that we possibly were being a little too rigid--

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[REDACTED] Harry, I would have a better way of expressing this, I believe -- at least I like it better. It's really our job to try to get all the facts on the table that bear on the case, whether they support bringing them in or don't support bringing them in. And I don't see that in these two cases. I think we could come up with a hundred places here where we need to get additional facts bearing on these two cases. Now, Emmett has part of them--

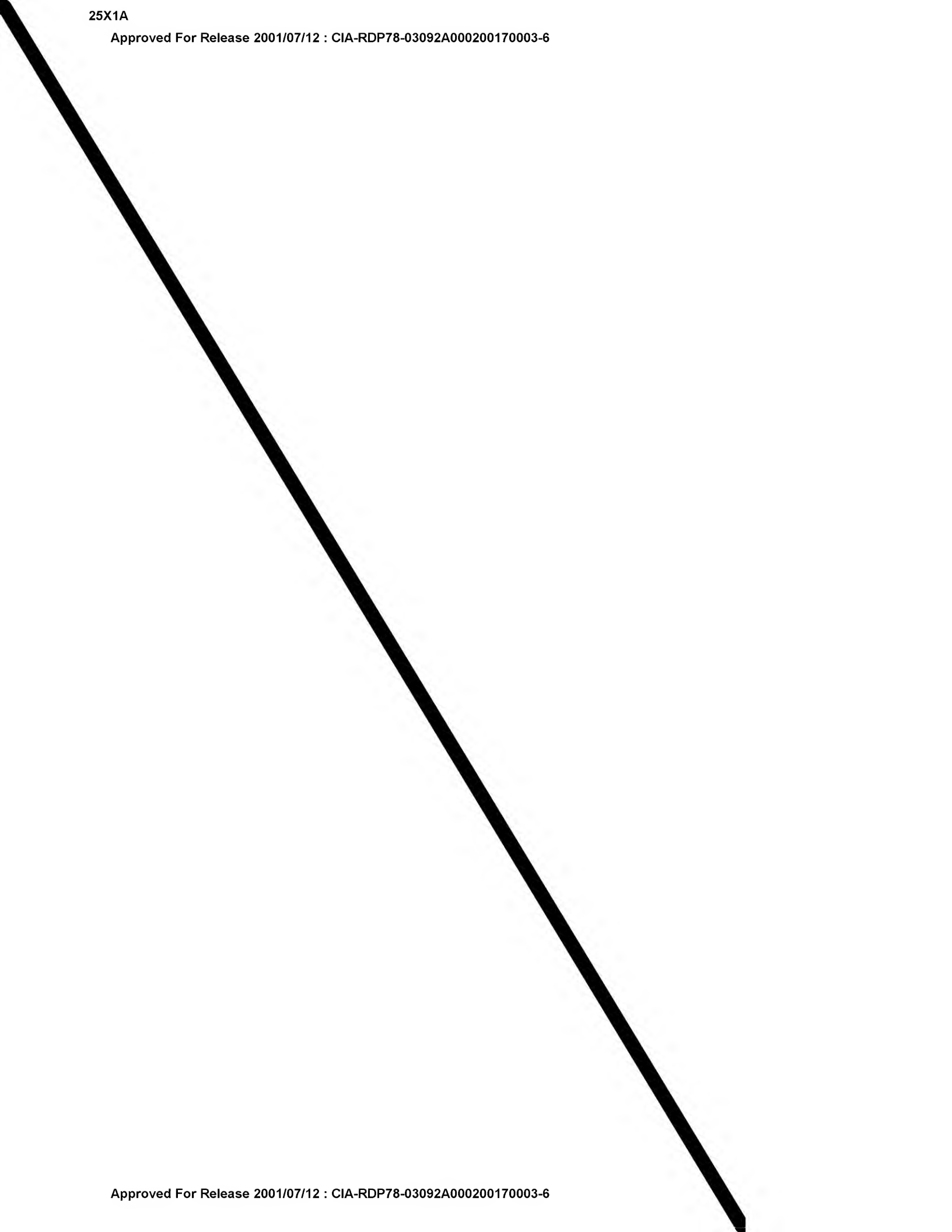
MR. ECHOLS: What I'm trying to do is present the facts. Until you get your feet wet in this thing you're not going to know whether you're coming or going.

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[REDACTED] Do you propose to do it now? Because I have done just what John just said -- I have marked places here "we need more information."

MR. ECHOLS: You do indeed. I'll pass around this memorandum.

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I don't know of any way to hear this case without reviewing all of the evidence submitted and without conferring with all the people who have technical advice and guidance to give, be it legal or be it professional.

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[REDACTED] It seems to me the issue here, or the part that is under the Board's jurisdiction, if we can use that word, is whether this man has qualifying service or not. And what I see is a lot of indication of a service-connected disability, but that doesn't seem to me to read on the problem that we're supposed to be meeting.

MR. ECHOLS: There are two issues here. One is we have detailed descriptions of the types of duties he was performing during this period of time -- we have details down into what he had done hour by hour during the day and the week preceding his heart attack. This was asked for by the BEC and apparently it was the basis upon which they made their determination. We also have a general statement of his duties and responsibilities, the staffing situation and the functions for which he was responsible, covering that 15 months prior to his heart attack. This probably gives you as much insight into the burdens this man labored under as anything we could get. This is his own description of what he did and the tensions under which he operated during this period. I think you people should read this.

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[REDACTED] But I still don't think this is our problem, deciding whether the performance of his duties was hazardous to health, if that is the issue here. Many other people worked the same schedule as Jack did without suffering a heart attack. A heart attack is not necessarily one of the things that is caused (by stress during the performance of duty) -- it's more inherent in the individual's make-up. I think we're on very uncertain grounds in getting into this case. I don't want to dramatize it,

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but I had a heart attack upstairs while I was chairing a meeting five years ago. I made no such relationship between the performance of my duties and the fact that I had the heart attack. And to me it just doesn't seem like a reasonable sort of proposition to consider that as qualifying service.

MR. WARFIELD: No, but if the BEC went into the details of his duties, this may be the explanation that we're looking for -- I support you, Emmett. He's saying his domestic and overseas service in his view is qualifying -- and there's his rationale. I agree that the fact that he got a BEC claim through has got nothing at all to do with it. One of our chauffeurs out here can get clobbered and get a BEC claim through, but that doesn't give him qualifying service--

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[REDACTED]: No, or even as John pointed out -- I'm surprised at the fact that a heart attack was even considered to have a causal relationship to his duties -- but it could have been a one-night stand -- and I don't know that that has any bearing, but maybe we ought to get that out into the open: what period of time are we talking about?

MR. ECHOLS: Actually we're probably talking, in terms of
qualifying duty, about a 15 month span of time. This is his contention --
this is the period that he claims ought to be held to be qualifying duty.

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[REDACTED] That still doesn't bring him up to the five years--

MR. ECHOLS: It may be that we would say: Even with this time you still do not have the qualifying time, and we cannot at this time put you in the CIA Retirement System -- because you have 15 years of service-- Right? That would beg the issue in the case--

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[REDACTED] Are you planning to give us any more information on this--

MR. ECHOLS: I was going to do one of two things today, I was

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MR. ECHOLS: The meeting is adjourned.

. . . . The meeting adjourned at 3:10 p.m.

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